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Attorneys for Plaintiffs
August Image, LLC and Creative Photographers Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**AUGUST IMAGE, LLC AND CREATIVE
PHOTOGRAPHERS INC.,**

Plaintiffs,

vs.

BREATHE HEAVY LLC,

Defendant.

Case No. 2:21-cv-00898-JCM-BNW

**RESPONSE TO COURT'S ORDER
REGARDING INTENT TO DISMISS
FOR WANT OF PROSECUTION
(ECF No. 11)**

Plaintiffs AUGUST IMAGE, LLC and CREATIVE PHOTOGRAPHERS INC., by and through their undersigned counsel, hereby respond to the Court's Notice Regarding Intent to Dismiss for Want of Prosecution Pursuant to Local Rule 41-1 (ECF No. 11) dated August 24, 2022.

1. On May 10, 2021, Plaintiffs filed suit against Breathe Heavy LLC. (ECF No. 1).
2. On October 21, 2021, Plaintiffs filed for Clerk's Default. (ECF No. 9).
3. On November 5, 2021, the Court granted Plaintiffs' Motion for Clerk's Default against Breathe Heavy LLC. (ECF No. 10).
4. On August 24, 2022, the Court issued a Notice pursuant to Local Rule 41-1, communicating the Court's intent to dismiss this action for want of prosecution. (ECF No. 11).

1 5. The Court gave Plaintiffs thirty days, until September 23, 2022, to take action on
2 the case, otherwise the Court would enter an order of dismissal for a want of prosecution.

3 6. On September 13, 2022, Plaintiffs, through counsel, filed a notice of settlement,
4 requesting until October 13, 2022, to dismiss the matter. (ECF No. 13).

5 7. Plaintiffs respectfully request the Court to extend the September 23, 2022, order of
6 dismissal for want of prosecution deadline until October 13, 2022.

7 8. Plaintiffs' counsel apologies for any inconvenience caused to the Court.
8

9 Dated: September 14, 2022

Respectfully submitted,

10 /s/ Trey A. Rothell

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 13, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Trey A. Rothell
TREY A. ROTHELL

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